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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,288	10/03/2003	Toshiya Wakatsuki	2204-031822	3488
28289	7590	08/21/2007		
THE WEBB LAW FIRM, P.C. 700 KOPPERS BUILDING 436 SEVENTH AVENUE PITTSBURGH, PA 15219			EXAMINER NGUYEN, CAM N	
			ART UNIT	PAPER NUMBER
			1754	
			MAIL DATE	DELIVERY MODE
			08/21/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/678,288

**Applicant(s)**

WAKATSUKI ET AL.

**Examiner**

Cam N. Nguyen

**Art Unit**

1754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 5/21/07 (an amendment/response).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 1 and 2 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on originally filed is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

**Response to Amendment**

1. Applicants' amendment and remarks, filed May 21, 2007, has been made of record and entered. Claims 1 & 2 have been amended. Claims 3 & 4 have been canceled.

Claims 1-2 are currently pending and under consideration.

**Claim Objections**

2. Claims 1-2 are objected to because of the following informalities:
  - A. In claim 1, line 17, "both the catalytic-activity and carrier-forming constituents" should be changed to recite --both the catalytic-activity constituent and carrier-forming constituent--.
  - B. In claim 1, line 18, "a surface" should be changed to --the surface--.
  - C. In claim 1, line 19, "from an impregnating solution" should be deleted.
  - D. In claim 1, last line, "impregnated with" should be deleted and replaced thereof with --having--.
  - E. In claim 1, last line, "the catalytic-activity and the carrier-forming constituents" should be changed to --the catalytic-activity constituent and the carrier-forming constituent carried thereon--.
  - F. In claim 2, line 2, --member-- should be inserted before "selected".

Appropriate correction is required.

3. Claim 2 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the

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- C. In claim 1, line 19, "from an impregnating solution" should be deleted.

- D. In claim 1, last line, "impregnated with" should be deleted and replaced thereof with --having--.

- E. In claim 1, last line, "the catalytic-activity and the carrier-forming constituents" should be changed to --the catalytic-activity constituent and the carrier-forming constituent carried thereon--.

- F. In claim 2, line 2, --member-- should be inserted before "selected".

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Art Unit: 1754

claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim 1 only lists Ni and Co as being possible choices, but claim 2 also lists compounds of Ni and Co, which is the third possible choice for the catalytic-activity constituent. The scope of claim 2 appears to be broader than the scope of claim 1.

**Response to Applicants' Arguments**

4. Applicants' amendment and remarks filed on May 21, 2007 has been fully reconsidered, but not deemed persuasive in view of the new ground of rejection(s) and/or objection(s) above.

**Citations**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. All references are cited for related art. See PTO-892 Form attached.

**Conclusion**

6. Claims 1-2 are pending. Claims 1-2 are objected. No claims are allowed.

**Contacts**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Primary Examiner Cam N Nguyen, whose telephone number is 571-272-1357. The examiner can normally be reached on M-F, 9:00 AM - 6:30 PM, at alternative work site.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman, can be reached on 571-272-1358. The fax phone number for the organization where this application or proceeding is assigned is 571-272-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Cam N. Nguyen/

Nguyen/cnn

Primary Examiner

August 17, 2007

Art Unit: 1754